

United States Senate

WASHINGTON, DC 20510-4606

September 24, 2014

SSCI# 2014-2856

The Hon. Tom Wheeler
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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Dear Chairman Wheeler:

I am writing regarding the FCC's upcoming selection of the Administrator for the Local Number Portability Administration (LPNA). My intention is not to sway the FCC's decision one way or another, but to urge you, as you make this important decision, to take into account the national security implications of this selection.

The LPNA's database is used to enable telephone company customers to retain their telephone number even if they switch carriers. It also is an important tool for authorized law enforcement and national security investigations, since the database must often be queried by law enforcement agencies as an initial step in determining which telephone company is associated with a particular telephone number. This is done so that any further investigative action or subpoena may be presented to the right company.

As the FBI has indicated, "law enforcement agencies require that their queries of the system maintained by the LPNA remain confidential so that a potential criminal will not learn that law enforcement is investigating them, which could result in an individual fleeing, destroying vital evidence of their criminal activity, or continuing to compromise national security." If a criminal or foreign intelligence entity under investigation should learn that the FBI is making queries about its telephone number, an investigation could be compromised before it even begins.

Given the large number of recent data breaches of U.S. commercial and government computers by malicious cyber actors, the security of the LPNA's database – including the ability to block potential cyber, insider, and other threats – is critical.

I therefore urge you to ensure that the solicitation and selection process for the database administrator, based upon which the FCC will make its selection, fully consider the national security and law enforcement implications that should be required in maintaining a database that is so important and sensitive – regardless of who is ultimately selected.

I look forward to your response.

Sincerely Yours,



Mark R. Warner
U. S. Senate

CC: FBI Director James B. Comey, Jr.



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

September 30, 2014

The Honorable Mark Warner
United States Senate
475 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Warner:

Thank you for your recent letter expressing your views regarding national security implications related to the Federal Communications Commission's selection of the local number portability administrator (LNPA). I appreciate your making me aware of your strong interest in this matter.

Security is at the forefront of the Commission's mission in overseeing our nation's communications infrastructure. The LNP system, as you note, is of vital importance to the national security and the country's communications networks, and we recognize the need to preserve the effective, reliable, and secure operation of the LNP system and protect it from rapidly evolving future cyber threats.

As you know, we are currently engaged in a process to select the LNPA. I can assure you that, throughout this process and thereafter, we will do whatever is necessary to ensure the LNP system meets highly rigorous standards for security and reliability for our Nation.

Again, thank you for contacting me regarding your interest in this matter. If I can be of further assistance, please have your staff contact Sara W. Morris, Director, Office of Legislative Affairs, at 418-0095.

Sincerely,

A handwritten signature in blue ink, which appears to read "Tom Wheeler", is written over a horizontal line.

Tom Wheeler